

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATRICK TRACY, et al., on behalf of themselves
and all other employees similarly situated,

Plaintiff,

ORDER

04-CV-6541L

v.

NVR, INC.,

Defendant.

The following matters having come before the Court for hearing on June 14, 2007 (Dkt. #135), it is hereby ordered as follows:¹

Defendant NVR's motion seeking partial dismissal of the Second Amended Complaint (Dkt. #91) was and is granted, effective June 14, 2007. Pursuant to 28 U.S.C. §1367(c), the Court declines to exercise jurisdiction over the Third Cause of Action in plaintiffs' Second Amended Complaint, which asserts claims under the laws of states other than New York, on the grounds that such claims may predominate over the plaintiffs' federal claim in this matter (Dkt. #136).

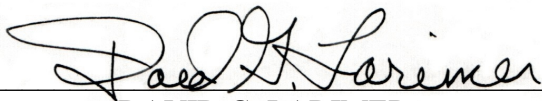
Plaintiffs' motion for expedited notice to affected employees (Dkt. #45) was and is granted, effective June 14, 2007.

¹ The Court made detailed rulings concerning these motions from the bench on June 14, 2007, and the parties have subsequently abided by them. The purpose of this Order is merely to formally memorialize the Court's rulings, and ensure that the motions' status is correctly reflected on the docket.

Defendant's motions for class certification and expedited notice (Dkt. #45, #87) are denied as moot, given the Court's grant (Dkt. #397) of the parties' joint motion for partial settlement (Dkt. #359), which requested nearly identical relief.

Defendant's motion for an order prohibiting contact with putative class members and for sanctions (Dkt. #125) is denied, since pursuant to the Court's instructions at the June 14, 2007 hearing, the parties thereafter reached a mutual agreement concerning the manner and extent to which class members may be contacted.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 8, 2009.